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ENROLLED

ACT No 232

2019 Regular Session

HOUSE BILL NO. 455

BY REPRESENTATIVES TERRY LANDRY, ADAMS, BAGNERIS, BILLIOT, CARMODY, CARPENTER, GARY CARTER, CREWS, DUPLESSIS, GLOVER, HORTON, JACKSON, JEFFERSON, JORDAN, LARVADAIN, MARINO, MOORE, NORTON, PIERRE, THOMAS, WHITE, AND WRIGHT

AN ACT

To enact Part IX of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:400.1 through 400.8, relative to autonomous commercial motor vehicles; to provide for definitions; to establish the controlling authority for autonomous commercial motor vehicles; to provide relative to applications to operate an autonomous commercial motor vehicle; to provide relative to requirements of operators; to establish the reporting requirements following an accident; to provide relative to remote drivers and teleoperation systems; to provide relative to liability and jurisdiction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IX of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:400.1 through 400.8, is hereby enacted to read as follows:

PART IX. AUTONOMOUS COMMERCIAL MOTOR VEHICLES

§ 400.1. Definitions

When used in this Part, the following words and phrases have the meanings ascribed to them, unless the context clearly indicates a different meaning:

(1) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

(2) "Autonomous commercial motor vehicle" means a motor vehicle used in commerce and equipped with an automated driving system, including those designed to function without a driver.

(3) "Commerce" means transportation for the purpose of compensation, remuneration, employment, trade, or payment of any thing of value.

(4) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle has a gross combination weight rating of twenty-six thousand one or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds.

(5) "Conventional human driver" means a driver who manually exercises in- vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

(6) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

(7) "Minimal risk condition" means a condition to which a user or an automated driving system may bring a vehicle in order to reduce the risk of a crash upon experiencing a failure of the vehicle's automated driving system that renders the vehicle unable to perform the entire dynamic driving task.

(8) "Operational design domain" means a description of the specific operating domain in which an autonomous commercial motor vehicle is designed to properly operate including but not limited to roadway types, speed, environmental conditions, and other domain constraints.

(9) "Remote driver" means a natural person who is not seated in a autonomous commercial motor vehicle, but is able to perform the entire dynamic driving task.

(10) "Teleoperation system" means hardware and software installed on a motor vehicle that allow a remote driver to operate the vehicle.

§ 400.2. Controlling authority; compliance

A. Notwithstanding any provision of law to the contrary, autonomous commercial motor vehicles including any commercial use or operations, and automated driving systems shall be governed exclusively by this Part.

B. Notwithstanding any provision of law to the contrary, the Department of Transportation and Development shall be the sole and exclusive agency with jurisdiction over autonomous commercial motor vehicles and automated driving systems and shall implement the provisions of this Part.

C. The provisions of this Section shall not be construed to limit the applicability of state dealer franchise laws under the provisions of R.S. 32:1251 through 1269.

§ 400.3. Operation; criteria

A. Notwithstanding any other provision of law to the contrary, an autonomous commercial motor vehicle may operate in this state without a conventional driver physically present in the vehicle if the autonomous commercial motor vehicle meets all of the following criteria:

(1) Is capable of operating in compliance with applicable federal law and the traffic and motor vehicle laws of this state including but not limited to applicable laws concerning the capability to safely navigate and negotiate railroad crossings.

(2) Is properly registered and titled in accordance with R.S. 32:701 et seq., and R.S. 47:463.

(3) Is certified in accordance with 49 CFR Part 567 as being in compliance with federal motor vehicle safety standards and bears the required certification label or labels including reference to any exemption granted under applicable federal law.

(4) Is capable of achieving a minimal risk condition if a failure occurs rendering the vehicle unable to perform the dynamic driving task relevant to its intended operational design domain or if the vehicle exits its operational design domain.

(5) Is covered by motor vehicle liability coverage in an amount not less than two million dollars.

B. The registration of an autonomous commercial motor vehicle shall not be interpreted to abrogate or amend any statutory or regulatory provisions or any aspects of law pertaining to liability for any harm or injury caused.

C. Prior to commencing the operation of an autonomous commercial motor vehicle without a conventional driver present in the cab, a person or entity shall submit a written statement to the Department of Transportation and Development certifying that the vehicle meets the requirements of this Section.

§ 400.4. Owners and operators of an autonomous commercial motor vehicle

The automated driving system of an autonomous commercial motor vehicle and the person or entity required to submit a statement to the Department of Transportation and Development pursuant to the provisions of R.S. 32:400.3(C) shall be subject to all applicable laws, rules, ordinances, and statutes of this state and will be considered to be licensed to operate the vehicle. The person or entity operating the autonomous commercial motor vehicle may be issued a traffic citation or other applicable penalty if the vehicle fails to comply with any traffic or motor vehicle laws of this state.

§ 400.5. Reporting an accident

If an accident occurs involving an autonomous commercial motor vehicle while the automated driving system is engaged, the autonomous commercial motor vehicle shall remain at the scene of the accident and the operator or any person on behalf of the operator of the autonomous commercial motor vehicle shall comply with the provisions of R.S. 32:398 relative to contacting the appropriate law enforcement agency and furnishing all relevant information.

§ 400.6. Remote drivers; teleoperations; compliance

A. When a remote driver is operating a commercial motor vehicle equipped with a teleoperation system, the remote driver shall be considered to be the operator of the vehicle for the purpose of assessing compliance with applicable traffic or motor vehicle laws including the rules of the road.

B. The remote driver shall hold the proper class of license required for a conventional driver to operate the vehicle.

C. If an accident occurs involving a commercial motor vehicle equipped with a teleoperation system while the teleoperation system is engaged, the vehicle shall remain at the scene of the accident and the owner or remote driver shall comply with the provisions of R.S. 32:398 relative to contacting the appropriate law enforcement agency and furnishing all relevant information.

§ 400.7. Teleoperations; operation; criteria

A. Notwithstanding any other provision of law to the contrary, a commercial motor vehicle equipped with a teleoperation system may operate in this state without a conventional driver physically present in the vehicle if a remote driver is operating the vehicle and the commercial motor vehicle meets all of the following criteria:

(1) Is properly registered.

(2) Is in compliance with applicable federal law.

(3) Is certified in accordance with 49 CFR Part 567 as being in compliance with federal motor vehicle safety standards and bears the required certification label or labels, including reference to any exemption granted under applicable federal law.

(4) Is capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, regardless of whether the vehicle is operated by a remote driver including but not limited to applicable laws concerning the capability to safely navigate and negotiate railroad crossings.

(5) Is covered by motor vehicle liability coverage in an amount not less than two million dollars.

(6) Is capable of achieving a reasonably safe state, such as bringing the vehicle to a stop if a failure of the teleoperation system occurs that renders the remote driver unable to perform the entire dynamic driving task for the vehicle.

B. Prior to commencing the operation of a commercial motor vehicle equipped with a teleoperation system without a conventional driver present in the cab, an owner, a remote driver, or the remote driver's employer shall submit a written statement to the Department of Transportation and Development certifying that the vehicle meets the requirements of this Section.

§ 400.8. Liability; jurisdiction

The provisions of this Part shall not be construed to repeal, modify, or preempt any liability that may be incurred pursuant to existing law applicable to a vehicle owner, operator, manufacturer, component part supplier, or retailer including any law that may apply to jurisdiction for any bodily injury or property damage claims arising out of this Part. All choice of law conflicts with respect to bodily injury or property damage claims shall be resolved in accordance with Louisiana law.

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